

-34-

REMARKS

In response to the Notice of Non-Compliant Amendment mailed November 9, 2009, Applicants submit a new claim listing, a new Substitute Specification, and an updated Statement of Status and Support for all Changes to the Claims under 37 C.F.R. § 1.173(c), as well as the following remarks. The claims as presented are believed to be in allowable condition.

Claims 1, 3-6, 8-33, 35-38, and 40-73 are pending in this Application. Claims 1, 6, 11, 15, 19, 23, 27, 29 31, 38, 43, 47, 51, 55, 59, 61, and 63-73 are independent claims.

Interview Summary

On December 3, 2009, Applicant's Representative conducted an Examiner Interview with Examiner Robert Harrell. We would like to thank Examiner Harrell for his time and consideration.

During the interview, we discussed the requirements for the status identifiers for claims 31-33, 35-38, and 40-73. While the status identifier (New Amended) is not explicitly listed as a status identifier under 37 CFR 1.173, Examiner Harrell stated that such a label was proper as recited in the Notice. Additionally, while the Notice indicates on page 2 that the applicant must "correctly resubmit everything filed on 10 June 2009," Examiner Harrell indicated that Applicant should submit a new claim listing, a new Substitute Specification, and an updated Statement of Status and Support for all Changes to the Claims under 37 C.F.R. § 1.173(c). We also discussed the requirements for a substitute declaration in the present matter. Applicant understands that a cumulative supplemental oath or declaration can be submitted prior to allowance of the Application.

New Substitute Specification

The Notice of Non-Compliant Amendment indicates that the previously Substitute Specification is noncompliant. A new Substitute Specification is submitted herewith. The Substitute Specification on page 7, line 6 and on page 13, line 20 recites matter incorporated as part of the original Patent by the June 2002 Certificate of Corrections, without brackets and underlines.

New Claim Listing

The Notice of Non-Compliant Amendment indicates that the Amendment to the claims submitted on June 10, 2009 does not comply with 37 CFR § 1.121(i) and 37 CFR § 1.173. A new claim listing is provided above where claims 31-33, 35-38, and 40-73 include the correct status identifier of "New Amended." The new claim listing provided the amendments and status identifiers for the claims with respect to the original United States patent per 37 CFR § 1.121(i) and 37 CFR § 1.173

Statement of Status and Support for all Changes to the Claims
under 37 C.F.R. § 1.173(c)

The Notice has required that Applicant provide a listing of each limitation of each claim, which points to corresponding support within the specification for newly added claim limitations. A new Statement of Status and Support for all Changes to the Claims under 37 C.F.R. § 1.173(c) is submitted herewith.

-36-

Conclusion

In view of the foregoing remarks, this Application should be in condition for allowance. A Notice to this effect is respectfully requested. If the Examiner believes, after this Response, that the Application is not in condition for allowance, the Examiner is respectfully requested to call the Applicants' Representative at the number below.

Applicants hereby petition for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this Response, including an extension fee, please charge any deficiency to Deposit Account No. 50-3661.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-2900, in Westborough, Massachusetts.

Respectfully submitted,

/Jeffrey J. Duquette/

Jeffrey J. Duquette, Esq.
Attorney for Applicants
Registration No.: 45,487
Bainwood, Huang & Associates, L.L.C.
Highpoint Center
2 Connector Road
Westborough, Massachusetts 01581
Telephone: (508) 616-2900
Facsimile: (508) 366-4688

Attorney Docket No.: 1004-229

Dated: December 9, 2009